IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 4468 of 2007(F)

PETITIONER:

PONNUMANI, S/O. CHAMIYAPPAN,
RESIDING AT KAIPPANKULANGARA, THENKURISSI AMSOM,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS

RESPONDENTS:
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1. **THE ADDITIONAL DISTRICT MAGISTRATE**
   (REVENUE DIVISIONAL OFFICER), PALAKKAD.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   KERALA STATE ELECTRICITY BOARD, KODUVAYUR,PALAKKAD.

3. **A. PAZHANI, S/O. ANDI,**
   RESIDING AT KALLANKADE, THENKURISSI, PALAKKAD.

4. **C. VELAYUDHAN, S/O. CHAMI,**
   RESIDING AT KALLANKADE, THENKURISSI, PALAKKAD.

BY ADV. SRI. JOSE J.MATHEICKAL, SC, KSEB
BY GOVT.PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.4468 OF 2007-M

Judgment

The petitioner has approached this Court, apprehending that an electricity line may be drawn through his property, having an extent of 1.94 acres in Survey No.624/I, 209/2, 211/B9 and 10 of Karippankulangara desom Thenkurissi amsom in Palakkad taluk. He submits, without his permission, an electricity line is sought to be drawn through his property. Therefore, he filed Ext.P1 representation before the 2nd respondent. Thereupon, he was called upon by the said respondent by Ext.P2 communication to produce the documents relating to his property. The petitioner submits, he produced the necessary documents along with Ext.P3. He apprehends that the electricity line may be drawn through his property without his consent. Hence this Writ Petition, praying for a direction to the 2nd respondent to refer the dispute to the District Magistrate under Section 16 of the Indian Telegraph Act. Other incidental reliefs are also sought.

2. I heard the learned Standing Counsel for the Electricity Board also. He pointed out that in Ext.P2, it is stated that the electricity line is sought to be drawn through a pathway and therefore, the petitioner has been called upon to produce documents to prove his rights over the pathway. If he proves his ownership over the property, through which the line is proposed to be drawn, the KSEB will move the District Magistrate for permission, it is submitted.

3. If the petitioner objects, no line shall be drawn through his property. If there is any proposal to draw the line through his property, needless to say, the 2nd respondent will have to obtain the permission of the District Magistrate for the same.

The Writ Petition is disposed of with the above directions.

09.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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